



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,760	10/15/2001	Brandon Mitchell Burrell	42626/208123	3959
826	7590	01/04/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			WOO, ISAAC M	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,760

Applicant(s)

BURRELL, BRANDON MITCHELL

Examiner

Isaac M Woo

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-29 and 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Amendments, filed on July 01, 2004 have been considered but they are not persuasive.
2. Claims 11 and 30 are allowed because claims 11 (incorporated with objected claim 11) and 30 (incorporated with objected claim 30) are rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 1-39 are pending.

Response to Arguments

4. In response to Applicant's Remarks filed on July 01, 2004, the following factual arguments are noted:

Schaefer et al (U.S. Patent No. 6,629,192) Seki et al (U.S. Patent No. 5,504,922) do(es) not disclose or suggest; "template file for interpreting data SMBIOS data".

However, examiner disagrees, Seki discloses, BIOS emulator (45, fig. 6, fig. 7, col. 7, lines 10-28), when the BIOS emulator 45 converts the AH register to be 10H through input parameter translation (step 109) to translate the BIOS call of the target machine into a BIOS call of the base machine. Subsequently, the BIOS 44 of the base machine is called (110), the values of the AL and AH registers are translated through

Art Unit: 2162

the output parameter translation (step 111), see (fig. 7, col. 7, lines 11-48). The definition of BIOS (Basic Input/Output System), that is stored in ROM, or equivalent, in every PC. Its main task is to load and execute the operating system which is usually stored on the computer's hard disk. And a part of the system software of the IBM PC and compatibles that provides the lowest level interface to peripheral devices and controls the first stage of the bootstrap process, including installing the operating system. This teaches that BIOS includes the data or information for operating system, thus BIOS uses the data from BIOS ROM usually. Once call forwarded to from 106, fig. 7, BIOS (44, fig. 7) takes call and again call forwarded to BIOS emulator (45, fig. 7), and BIOS emulator translates (interprets) output parameter (data) from BIOS (44, fig. 7). Thus, Seki discloses "template file for interpreting data SMBIOS data".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-29 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer et al (U.S. Patent No. 6,629,192, hereinafter, "Schaefer") in view of Seki et al (U.S. Patent No. 5,504,922, hereinafter, "Seki")

With respect to claims 1, 20 and 39, Schaefer discloses, system management apparatus method for retrieving and displaying SMBIOS data relating to the configuration and components of a computing system to a user via a display terminal, database of SMBIOS structures stored on a computer-readable medium containing data related to the configuration of the computing system and components of the computing system, see (fig. 1, col. 1, lines 9-52, Bios is stored in database, disclosed the system instruction of Schaefer is to manage BIOS that is SMBIOS, col. 2, lines 34-55); utility stored on a computer-readable medium, which in response to commands from a user, retrieves data (accessing BIOS, col. 1, lines 45-52) from the database and displays the data on the display terminal, see (fig. 1, col. 1, lines 9-67 to col. 2, lines 1-56, fig. 5, col. 5, lines 1-37, graphic interface is used for user input (user command input) and output (displaying on terminal)). Schaefer does not explicitly disclose, information for interpreting the SMBIOS data retrieved by the utility from the database, wherein the template file eliminates the requirement that the information for interpreting the data stored in the database. However, Seki discloses, BIOS emulator (45, fig. 6, fig7, col. 7, lines 10-28), when the BIOS emulator 45 converts the AH register to be 10H through input parameter translation (step 109) to translate the BIOS call of the target machine into a BIOS call of the base machine. Subsequently, the BIOS 44 of the base machine is called (110), the values of the AL and AH registers are translated through the output parameter translation (step 111) to absorb any difference of the key codes, see (fig. 7, col. 7, lines 11-48). This teaches that bios emulator converts (interprets) BIOS

information and this function is separated from data retrieving from database and displaying data which discussed above. Thus, BIOS interpreting function is eliminates that the information for interpreting the data in database. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify Schaefer by incorporating information for interpreting the SMBIOS data retrieved by the utility from the database, wherein the template file eliminates the requirement that the information for interpreting the data stored in the database with the system of Seki. Thus, one having ordinary skill in the art at the time the invention was made would have found it motivated to use such a modification because that would provide Seki's system the enhanced capability of BIOS data interpreting method for computer operating system.

With respect to claims 2-6, Schaefer discloses template file includes at least two types of keys for interpreting the information stored in the template file, data descriptor keys that define the information stored in the template file. Individual data descriptor keys for defining raw data and data strings, for defining a bit field having individual bits representing information based on whether the bit is a one or a zero, that indicate the type of data retrieved from the database and a format in which it should be displayed, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3).

With respect to claims 7-9 and 12, Schaefer discloses data descriptor key for defining an enumerated data value, wherein the numerical value of the data represents

Art Unit: 2162

a defined setting in the computing system and components and indicating to the utility the last defined bit position in the bit field such that the template file does not include and the utility does not search for undefined bits of the bit field in the template file, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3).

With respect to claim 10, Schaefer discloses data descriptor key for defining multiple groups of bits within a bit field representing a setting of the computing system and components, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3).

With respect to claim 13, Schaefer discloses information in the form of structure definitions used to interpret and display the data stored in the database, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

With respect to claims 14-19, Schaefer discloses that the template file includes process control keys control key, indicating a beginning of a SMBIOS structure definition, indicating the end of template file, utility the number of times a group of fields in a structure definition is repeated and the size of the repeated area in bytes used to interpret the structure definitions, and a beginning and ending of a group of repeated fields in a structure definition stored in the template file, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

With respect to claims 21-25, Schaefer discloses template file includes at least two types of keys for interpreting the information stored in said template file, data descriptor keys that define the information stored in the template file. Individual data descriptor keys for defining raw data and data strings, for defining a bit field having individual bits representing information based on whether the bit is a one or a zero, that indicate the type of data retrieved from the database and a format in which it should be displayed, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3).

With respect to claims 26-28 and 31, Schaefer discloses data descriptor key for defining an enumerated data value, wherein the numerical value of the data represents a defined setting in the computing system and components and indicating to the utility the last defined bit position in the bit field such that the template file does not include and said utility does not search for undefined bits of the bit field in the template file, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3).

With respect to claim 29, Schaefer discloses data descriptor key for defining multiple groups of bits within a bit field representing a setting of the computing system and components, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3).

With respect to claim 32, Schaefer discloses information in the form of structure definitions used to interpret and display the data stored in said database, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

With respect to claim 33, Schaefer discloses, creates a template file that includes process control keys used to interpret the structure definitions stored in the template file, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

With respect to claim 34, Schaefer discloses, creates a template file that includes a process control key indicating a beginning of an SMBIOS structure definition, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

With respect to claim 35, Schaefer discloses, creates a template file that includes a process control key indicating the end of the template file, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

With respect to claim 36, Schaefer discloses, creates a template file that includes a process control key indicating to the utility that the number of times a group of fields in a structure definition is repeated, and the size of the repeated area in bytes, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

With respect to claims 37-38, Schaefer discloses, creating step creates a template file that includes process control keys indicating a beginning and ending of a group of repeated fields in a structure definition definitions for data stored in said

database by original equipment manufacturer, see (fig. 6, fig. 7, col. 6, lines 17-67 to col. 7, lines 1-3, col. 2, lines 21-67).

Allowable Subject Matter

6. Claims 11 and 30 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2162


Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
February 12, 2004


JEAN M. CORRIELLUS
PRIMARY EXAMINER